

## **REMARKS**

### **Claim Rejections**

Claims 1-4, 6-7, 12, 14-16, and 18-25 stand rejected under 35 U.S.C. 103(a) as unpatentable over the combination of U.S. Patent No. 5,470,079 (LeStrange et al.); U.S. Patent Publication No. 2002/0183105A1, now issued as U.S. Patent No. 6,652,378 (Cannon); and U.S. Patent Publication No. US2002/0152120A1 (Howington). Claims 5, 8, 26-27 and 29 stand rejected under 35 U.S.C. 103(a) as unpatentable over the combination of LeStrange et al., Cannon, Howington, and U.S. Patent Publication No. US2003/0069071A1 (Britt). Claim 30 stands rejected under 35 U.S.C. 103(a) as unpatentable over the combination of LeStrange et al.; Cannon; Howington, U.S. Patent No. 5,759,103 (Freels et al.); and U.S. Patent Pub. No. 2002/0187834 (Rowe).

### **Claim Amendments**

The claims are amended to further patentably distinguish over the cited references.

### **The Cited References**

LeStrange et al. discloses a game machine accounting and monitoring system which includes a game monitoring unit 16, a computer network interface 18 and a central or host computer system 20. (Col. 5, lines 6-9). The accounting system can support accounting of multiple games within a single gaming machine. (Col. 11, lines 59-62). As such, when a game change event 45 occurs, the game monitoring unit 16 transmits a game change message to the host computer 20. The meter data that accompanies that message represents the last meter values for the previous game. (Col. 12, lines 17-20).

Howington discloses a casino resort management system that provides a location identifier for each location within a casino, a placard identifier for each placard and a machine identifier for each gaming machine. (§006). A placard indicates the machine brand, model and the denomination that a machine accepts (i.e., quarters or nickels). (§004). As shown in FIG. 2, the placard identifier includes a placard number “042052” used to denote a machine code, for example, “04”, that indicates a quarter slot machine, and a machine number “2052” that identifies a single machine with this particular denomination. (§0026). This system maintains and tracks machine and location history in a manner which allows for the changing of machine placards without losing historical machine or location information. (§0028). The system includes a sample system display 400 which displays, among other things, the location identifier,

the placard identifier and the denomination for a particular machine. (§0029). The individual machines are not configured to operate with multiple denominations or games of different types. (FIGS 2 and 4, §004, §0026, and §0029).

Cannon discloses gaming machines and systems offering simultaneous play of multiple games and methods of gaming. A gaming machine is disclosed which is configured for mutually concurrent play of a plurality of games of chance on a single display screen. (Abstract).

Freels et al. discloses an apparatus for collecting and processing payout vouchers from video slot machines. (Col. 2, lines 47-50).

Rowe et al. discloses a system for monitoring game play. A host stores and transmits game play data. (Abstract).

Britt et al. discloses an entertainment monitoring system 100 and method 200 for use in a gaming environment. The entertainment monitoring system includes a plurality of electronic gaming machines 102. (§0087).

### **Applicants' Claimed Invention Would Not Have Been Obvious**

The following factual inquiries must be considered in any obviousness evaluation: the scope and content of the prior art, the differences between the claimed invention and the prior art, the level of ordinary skill in the pertinent art and evidence of any secondary considerations. To establish a *prima facie* case of obviousness, it is axiomatic that the prior art, either alone or in combination, must disclose each and every element of the claimed invention. As stated in the M.P.E.P., “[t]o reject a claim. . . Office personnel must articulate the following: (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference.” M.P.E.P. §2143A.

Moreover, “[t]he rationale to support a conclusion that the claim would have been obvious is that all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art.” *Id.* Also, some articulated reasoning with rational underpinnings must be provided to support a *prima facie* case of obviousness.

Claim 1, for example, calls for a receiver configured to collect first and second meter information from a unique combination of a game, a program, and a denomination. Claim 1, as well as the other claims, has been amended to clarify that “a program represents a player-selectable pay schedule that includes game outcome probabilities that define a particular version

of a model that yields a specified payback.” The meaning of the term “program” is discussed in the Applicant’s specification as filed, for example on page 5, lines 1-5. In some embodiments, a player may select the denomination of the wager unit, the game type and the exact game pay schedule to be played. Each possible combination of denomination, game type and game pay schedule may result in a unique theoretical hold percentage. Each combination may also have differing levels of player acceptance. For this reason, a system that allows for the computation and tracking of handle, game hold percentage, theoretical hold percentage, and net win for each of the possible combinations within a single slot machine cabinet is very useful.

The accounting system of LeStrange et al. “can be used with a variety of different types of gaming machines such as slot machines, video poker games and video lottery systems”. (Col. 4, lines 61-63). The accounting system of LeStrange et al. also “supports accounting of multiple games within a single gaming machine, which is common in video lottery systems.” (Col. 11, lines 60-62). However, LeStrange et al. fails to disclose or suggest a gaming machine having a player-selectable pay schedule. Thus, LeStrange et al. fails to disclose or suggest a receiver configured to collect meter information that includes a unique combination of a game, a program and a denomination, wherein a program represents a player-selectable pay schedule that includes game outcome probabilities that define a particular version of a model that yields a specified payback.

The Office Action seems to suggest that Cannon discloses collecting accounting information that includes a program. (Office Action, page 4, lines 11-19). Cannon describes a gaming machine in which a gaming machine may be configured for play of different categories and classes of games. (Col. 9, lines 1-10). Players can select various games (e.g., poker, blackjack, or keno) and/or game options. (Col. 7, lines 56-61). However, as recited in the claims, a program represents a player-selectable pay schedule that includes game outcome probabilities that define a particular version of a model that yields a specified payback. Cannon fails to disclose or suggest that a player can select a different pay table or pay schedule for a given game. Thus, Cannon fails to disclose or suggest a receiver configured to collect first and second meter information from first and second unique combinations of a game, a program and a denomination, as recited, for example, in claim 1.

The casino resort management system of Howington is operable with gaming machines that play only a single game and accept only a single denomination. The denomination, for example, may be a quarter or a nickel. (¶004). As clearly shown in subwindow 402 of FIG. 4, in the column labeled “Denom”, each gaming machine accepts but one denomination, that is, nickels, quarters or dollars. A single machine does not accept nickels, quarters and dollars.

Rather, it accepts only one of these denominations. (§§0004, 0026 and 0029; FIGS.2 and 4).

The system of Howington does not deal with MGMT machines. The system is configured to provide a location identifier for each location within a casino, a placard identifier for each placard and a machine identifier for each gaming machine. (§0006). The Howington system is designed to eliminate the problems associated with using placards that are moved from one gaming machine to another or with gaming machines that are moved from one location to another. (§§0004, 0005). The system tracks a machine and location history in a manner which allows for the changing of machine placards without losing historical machine or location information. (§0028).

Further, Howington fails to disclose or suggest a single gaming machine that has different pay schedules. As is apparent in FIG. 4, the tracking system does not provide any indication of different pay schedules available at a single gaming machine. Instead, each machine is identified by a machine identifier, which allows a user to identify game type and denomination. (§0030). Since Howington fails to disclose or suggest a single gaming machine that has different pay schedules, Howington also fails to disclose or suggesting a gaming machine having a player-selectable pay schedule. Thus, Howington fails to disclose or suggest a receiver configured to collect meter information that includes unique combination of a game, a program and a denomination, wherein a program represents a player-selectable pay schedule that includes game outcome probabilities that define a particular version of a model that yields a specified payback.

Since claim 1 recites features not disclosed or suggested in any of the cited references, considered alone or in combination, claim 1 would not have been obvious in view of the cited references. Independent claims 16 and 29 recite features similar to those recited in claim 1. Therefore, claims 16 and 29 would not have been obvious for at least the same reasons as claim 1. The dependent claims include, by virtue of their dependency, the features of the independent claims on which they are based. Therefore, the dependent claims would not have been obvious for at least the same reasons as their respective independent claims.

## **Conclusion**

In view of the foregoing, it is respectfully submitted that all the claims are now in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call Applicants' undersigned attorney at (510) 663-1100.

If any fees are due in connection with the filing of this amendment (including any fees

due for an extension of time), such fees may be charged to Deposit Account No. 504480 (Order No. IGT1P312).

Dated: September 25, 2009

Respectfully submitted,  
Weaver Austin Villeneuve & Sampson LLP

/William J. Egan, III/

William J. Egan, III  
Reg. No. 28,411

P.O. Box 70250  
Oakland, CA 94612-0250